IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Recall Application No. 1161 of 2006
In
Criminal Bail Application No. 347 of 2005

1. Smt. Jasbeer Kaur W/o Sarvapal Singh
   R/o 737 – Sanjay Gandhi Colony,
   Ludhiyana, Punjab
2. Harvinder @ Sonu S/o Charan Singh
   R/o C-235 Janakpuri, Sahibabad, Gaziabad
   Uttar Pradesh ... Applicants

Vs

The State of Uttaranchal ... Opp. Party

Hon'ble B.C. Kandpal, J.

This fact was brought to the knowledge of my predecessor that one bail application bearing No. 347 of 2005 is pending before this Court and Mr. L.K. Tiwari was appearing on behalf of the applicants. The applicants were seeking adjournment in this case since 23rd June, 2005. Meanwhile, another bail application bearing No. 168 of 2006 was filed by the present applicants only changing the serial number of the applicants. The bail application was filed by Sri Pankaj Purohit – Advocate for the applicant. Sri L.K. Tiwari in previous bail application filed affidavits of Smt. Surendra Kaur aged about 56 years W/o Sri Charan Singh, R/o C-235, Janakpuri, Sahibabad, Ghaziabad, Uttar Pradesh. In support of the subsequent bail application, again the same lady had filed the affidavit. The second bail application was allowed after hearing the parties on 28.03.2006.

2. This Court vide order dated 26.06.2006 observed that the aforesaid facts were not brought to the notice of the Court during the pendency of the second bail application that the first bail application was pending before the Court. The Court thus observed that the fraud was played by the

applicants before this Court. The Court, therefore, directed Punkaj Purohit – Advocate to produce both the applicants before this Court on 30.06.2006.

3. However, on 30.06.2006, the case was adjourned on the request of learned counsel for the applicants for 03.07.2006 and on that day Sri Pankaj Purohit, counsel for the accused/applicants in the second bail application and Sri L.K. Tiwari counsel for the applicants in the first bail application were present before the Court. Sri Pankaj Purohit who obtained the bail order on behalf of the accused applicants in the second bail application, intimated this Court that the accused had already been informed by him telephonically as well as he has sent the message through registered post but in spite of the information sent to the accused/applicants they did not appear before the Court on the date fixed hence, I issued the non-bailable warrants against the applicants Harvinder @ Sonu. I was also intimated that another accused Jasbeer Kaur could not be released from jail. I also directed the C.J.M. concerned to take necessary steps for procuring the custody of the accused Harvinder @ Sonu and issued notices to the sureties.

4. However, today applicant – Harvinder @ Sonu is present before the Court.

5. Keeping in view the aforesaid circumstances, I do not find any force in the recall application which is accordingly rejected.

6. The bail granted to the accused Harvinder @ Sonu as well as Jasbeer Kaur vide order dated 28.03.2006 is cancelled.

7. The accused – Harvinder @ Sonu who is present before Court be taken into custody in order to send him to jail.

(B.C. Kandpal, J.)

24.07.2006
ASWAL